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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,811	01/21/2004	Jin Ho Hyun	2080-3-220	6196
35884	7590	10/05/2006	EXAMINER	
LEE, HONG, DEGERMAN, KANG & SCHMADEKA 801 S. FIGUEROA STREET 12TH FLOOR LOS ANGELES, CA 90017			SCHNURR, JOHN R	
		ART UNIT	PAPER NUMBER	2621

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/762,811	HYUN, JIN HO	
	Examiner	Art Unit	
	John R. Schnurr	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/5/2005, 9/13/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

1. The information disclosure statements (IDS) submitted on 9/13/2005 and 7/5/2005 were considered by the examiner.

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/762811, filed on 1/21/2004.

Claim Rejections – 35 USC 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Regarding claim 3, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections – 35 USC 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, 5, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Schrader et al. (US Patent Application Publication 2002/0166123).

Consider claim 1, Schrader et al. teach;

A digital broadcasting storage device (Fig. 5 navigation system 100) using a mark-up language (the real-time data may be transmitted as

event-based Extensible Markup Language (XML) representations. [0047]), the storage device comprising:

user interface means (FIGS. 8 through 15 illustrate user interfaces or displays rendered by an application program or programs using the data services delivered according to the invention. [102]) for allowing broadcasting information to be used or searched; (One such user interface enhancement is a television navigation tool. The navigation tool provides improved interoperability with viewers as it guides the viewers to currently available events of a particular type across one or more networks. [0091])

metadata processing means (signal input module 510, processing unit 532, application specific integrated circuit (ASIC) 534, mass storage device 542, DVR device 530) for processing and parsing XML (Extensible Markup Language)--formatted broadcasting information received; (The client system processes such data to create real-time visual indicators and cues and presents the visual indicators and cues together with IP data. Thus, for example, data corresponding to current status indicators of available sporting events and for invoking specific actions are provided to the client system. As explained below, the real-time data may be transmitted as event-based Extensible Markup Language (XML) representations. [0047])

storage means (mass storage device 542) for storing the broadcasting information therein; (The system maintains a meta-data directory of recorded programs, index files and control files. FIGS. 16b and 16c show a storage media containing a meta-data directory for this purpose, having entries for recorded programs P1 and PIII. The recorded video data for the recorded programs P1 and PIII are stored in another partition of the storage medium, diagrammatically shown on the left side of FIG. 116b. In addition to entries for the recorded programs, the meta-data directory also contains an entry for an associated index file P1 and an entry for an associated control file P1, which is placed in the directory as a result of a match with the program entry P1. [0127])

searching means (electronic program guide (EPG) database 548) for searching and providing the stored broadcasting information; (To present such information to the viewer, the client system 100 shown in FIG. 5 is operable to extract the Event Identifier associated with the data provided in the generated content stream. The system then searches a previously delivered enhanced sports schedule, which also contains associated Event Identifiers. This permits the system

to automatically tune to the program corresponding to the Event Identifier based on a selection thereof by the user. [0093]) and

controlling means (CPU 532, application specific integrated circuit (ASIC) 534, video output 560) for controlling to process (client system 100 shown in FIG. 5 is operable to extract the Event Identifier associated with the data provided in the generated content stream. [0093]), store (The system maintains a meta-data directory of recorded programs, index files and control files. [0127]) and search (To present such information to the viewer, the client system 100 shown in FIG. 5 is operable to extract the Event Identifier associated with the data provided in the generated content stream. The system then searches a previously delivered enhanced sports schedule, which also contains associated Event Identifiers. This permits the system to automatically tune to the program corresponding to the Event Identifier based on a selection thereof by the user. [0093]) the broadcasting information.

Consider claim 4, Schrader et al. teach;

The storage device according to claim 1 (Fig. 5 navigation system 100), wherein the controlling means (CPU 532, application specific integrated circuit (ASIC) 534, DVR device 530, mass storage device 542, video output 560) comprises:

database managing means (CPU 532, application specific integrated circuit (ASIC) 534, mass storage device 542) for managing information of the storage means; (The system maintains a meta-data directory of recorded programs, index files and control files. [0127])

media file system managing means (DVR device 530, mass storage device 542) for managing a file system; (FIGS. 17a through 17c illustrate an association of various enhanced files with a DVR index file. [0134]) and a

media router (video output circuit 560) for controlling a peripheral device (display device 122).

Consider claim 5, Schrader et al. teach;

The storage device according to claim 1 (Fig. 5 navigation system 100), wherein the metadata processing means (signal input module 510,

processing unit 532, application specific integrated circuit (ASIC) 534, mass storage device 542, DVR device 530) comprises:

a media management engine (DVR device 530) for managing record or reproduction of a video/audio (The invention provides Digital Video Recording (DVR) and playback services through the creation of DVR-specific content that is used by one or more client systems. [0009]);

a metadata processing engine (signal input module 510, processing unit 532, application specific integrated circuit (ASIC) 534, mass storage device 542) for previously processing and storing the XML-formatted information; (The system maintains a meta-data directory of recorded programs, index files and control files. FIGS. 16b and 16c show a storage media containing a meta-data directory for this purpose, having entries for recorded programs P1 and PIII. The recorded video data for the recorded programs P1 and PIII are stored in another partition of the storage medium, diagrammatically shown on the left side of FIG. 116b. In addition to entries for the recorded programs, the meta-data directory also contains an entry for an associated index file P1 and an entry for an associated control file P1, which is placed in the directory as a result of a match with the program entry P1. [0127]) and

an XML parsing engine (signal input module 510, processing unit 532, application specific integrated circuit (ASIC) 534, mass storage device 542) for parsing the stored XML-formatted information. (Event Identifier data is associated with other generated content such as, for example, real-time indicators, Alerts, DVR trigger information, and other enhanced content. To provide this information to the client system for enhancing the viewing experience, the client system executes one or more application programs. These are based on one or more underlying data engines for processing the received content. [0094])

Consider claim 6, Schrader et al. teach;

A digital broadcasting storage method (Fig. 5 navigation system 100) using a mark-up language (the real-time data may be transmitted as event-based Extensible Markup Language (XML) representations. [0047]), the storage method comprising:

receiving XML-based broadcasting information to extract metadata; (**the real-time data may be transmitted as event-based Extensible Markup Language (XML) representations. [0047]**)

processing, parsing and storing the extracted metadata (**The system maintains a meta-data directory of recorded programs, index files and control files. [0127]**); and searching the stored metadata in response to a user's request to provide the broadcasting information. (**FIGS. 18a and 18b illustrate a user interface that may be used in conjunction with the invention in providing playback of a football game. [0137]**)

Consider **claim 7**, Schrader et al. teach;

The storage device according to claim 6 (**Fig. 5 navigation system 100**), wherein the broadcasting information is searched reflecting a user preference. (**FIG. 20 illustrates a user interface for navigating between recorded music videos. [0146]**)

Claim Rejections – 35 USC 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader et al. in view of Brontz et al. (US Patent Application Publication 2006/0161961)

Consider claim 2, Schrader et al. clearly teach;

The storage device according to claim 1 (**Fig. 5 navigation system 100**), wherein the metadata processing means (signal input module 510, processing unit 532, application specific integrated circuit (ASIC) 534, mass storage device 542, DVR device 530)

However, Schrader et al. does not explicitly teach;

the metadata processing means further comprises preference extracting means for extracting a preference that is directly inputted by a user or that is automatically created from a watch record.

In the same field of endeavor, Brontz et al. clearly teaches;

preference extracting means (**intelligent client device 112**) for extracting a preference that is directly inputted by a user or that is automatically created from a watch record. (**The intelligent filter modifies itself based on user behavior, e.g., user history, and user preferences in terms of the web pages that a viewer routinely visits. The intelligent filter is used to identify certain web pages (or other HTML-based documents and multi-media components) of the data that are being broadcast and these identified web pages are stored in a cache memory for later use by the viewer. [0011]**)

Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the intelligent filter of Brontz et al. to the user preference aspect of the storage device of Schrader et al. This combination allows the storage device of Schrader et al. to extract user preferences automatically thus making the process of finding suitable material easier.

Consider claim 8, Schrader et al. clearly teach;

The storage device according to claim 7 (**Fig. 5 navigation system 100**), wherein the user preference is directly inputted by a user (**When the user selects a particular headline in the list such as by selecting a News**

Headline 1920, a description associated with the headline appears in an area 1922 proximate the television viewing window. As with the embodiments described above, the Headlines items correspond to context sensitive locations in the video file, namely, the beginning of the news item in the program. Selection of one of the Headlines in the list permits the viewer to skip to corresponding item in the recorded news program. [0145])

However, Schrader et al. does not explicitly teach;
the user preference is... automatically created from a user's watch record.

In the same field of endeavor, Brontz et al. clearly teaches;

the user preference is...automatically created from a user's watch record.
(The intelligent filter modifies itself based on user behavior, e.g., user history, and user preferences in terms of the web pages that a viewer routinely visits. The intelligent filter is used to identify certain web pages (or other HTML-based documents and multi-media components) of the data that are being broadcast and these identified web pages are stored in a cache memory for later use by the viewer. US 2006/0161961 Brontz et al [0011])

Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the intelligent filter of Brontz et al. to the user preference aspect of the storage device of Schrader et al. This combination allows the storage device of Schrader et al. to extract user preferences automatically thus making the process of finding suitable material easier.

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Schrader et al.** in view of **Koreeda et al. (US Patent Application Publication 2002/0019979)**

Consider claim 3, Schrader et al. clearly teach

The storage device according to claim 1 (**Fig. 5 navigation system 100**), wherein the searching means (**electronic program guide (EPG) database 548**) provides the searched information for the user through the user interface means (**FIGS. 8 through 15 illustrate user interfaces or displays rendered by an application program or programs using the data services delivered according to the invention. [102]**)

However, Schrader et al. does not explicitly teach;

the searching means ... searches using a title, a keyword, a genre and the like according to a user's request of the stored broadcasting information

In the same field of endeavor, Koreeda et al. clearly teaches;

searches using a title, a keyword, a genre and the like according to a user's request of the stored broadcasting information (**FIG. 6A is an example of the display image that is displayed first when a user calls the retrieval function. Here, a type of medium, broadcast date and time, genre, title, keyword and the other retrieval conditions may be selected. [0080]**)

Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the retrieval conditions (genre, title, keyword and others) of Koreeda et al. with the searching means of Schrader et al. because it would provide a greater variety of user searching choices thus making the process of finding suitable material easier.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS



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